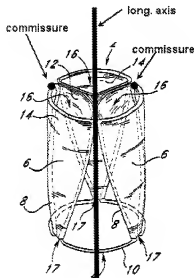


Response to Arguments

Applicant's arguments filed 02/25/08 have been fully considered but they are not persuasive.

Regarding claim 13, the new limitations entered by the Applicant's representative are not good enough to overcome the previous rejections. Additionally, the new limitations make the claim unclear. The Applicant's representative discloses, in the applicant's remarks, that they are adding new limitations in order to distinguish the claims from Moll. However, the Examiner still believes that the new limitations do not place the case for condition for overcoming the prior art or for condition for allowance.

Regarding the new limitations of claims 22 & 23, see below to show new interpretation of the commissures.



Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13, 17, 21-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 13, the phrase “the body passage” in line 8, is unclear. The Examiner is not clear if the Applicant’s representative is claiming the body passage of a patient or is claiming the body passage of the implant.

The new limitation: “each of the plurality of leaflets is configured...” is unclear. The new limitation does not make sense. What is the relationship between each leaflet and a pocket. How the pocket is created? and where is located?

Regarding claim 17, line 19, the examiner is not clear how one leaflet can have a pair of opposing leaflets? One leaflet is one leaflet and cannot have a pair of leaflets.

Regarding claim 22-24, the Examiner is not clear regarding the relationship between the first and second lateral edges with respect to the leaflets.

Regarding claim 17, the Examiner still believes that the prior art reads on the claims because the Examiner still believes that the struts are oriented longitudinally with respect to the longitudinal axis of the prosthesis because no matter the struts are at an angle they are still oriented longitudinally. The Applicant’s representative has to positively claim a longitudinal axis on the struts and then positively claim that the axes of the struts are parallel or substantially parallel to the axis of the longitudinal axis of the prosthesis.

NOTE: the Examiner invites the Applicant's representative to call the Examiner in order to clarify the claims.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The new limitations in claim 22: "the at least a first and second" Have not been found in the specification. Applicant's representative has to enter those limitations in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, 17, and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Moll et al US Patent 6,287,334 B1.

Moll et al discloses an artificial heart valve comprising a valve structure having a plurality of leaflets (6), the leaflets having proximal and distal portions, an inner edge traversing the passage, a first and second lateral edges. The edges includes an attachment pathway, the pathway extends along the first and the second edges, each of the first and second lateral edges include a proximal attachment pathway portion.

Additionally, Moll et al discloses a support structure (10) comprising a series of proximal bends comprising commissural points and longitudinal attachment struts extending distally therefrom, the support structure further comprising a pair of distal attachment struts extending distally and circumferentially from the longitudinal attachment struts. The lateral outer edges are attached proximally along the longitudinal attachment struts to form an extensive leaflet contact area and distally along the distal attachment struts which converge laterally and carry the bottom edge of each of the plurality of leaflets such that the prosthesis is adapted for forming a seal between the plurality of leaflets and the walls of the bodily passage and creating a large pocket at the base of each of the plurality of leaflets.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mull et al US Patent 6,287,334 B1 in view of Park et al US Patent 6,669,724.

Mull et al discloses the invention substantially as claimed. However, Mull et al does not disclose a leaflet contact area that comprises 35-55 % of the length of the valve structure.

Park et al teaches a valve prosthesis comprising a plurality of leaflets having an internal wall wherein the amount of contactable or coaptable area between the leaflets is between 33 to 55 % of the length of the whole valve system (see Figs. 2 & 4) for the purpose of efficiently avoiding retrograding flow (see col. 1, lines 38-45).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Mull et al reference with the larger coaptive area of the Park et al reference in order to efficiently avoiding retrograding flow.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J. Stewart whose telephone number is 571-272-4760. The examiner can normally be reached on Monday-Friday 7:00AM-5:30PM(1 Friday B-week off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin J Stewart/
Primary Examiner, Art Unit 3774

May 29, 2008.